

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 164

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO ADVISORY COUNCILS; AMENDING SECTION 39-3330, IDAHO CODE, TO REVISE THE NUMBER OF MEMBERS OF THE RESIDENTIAL CARE OR ASSISTED LIVING ADVISORY COUNCIL, TO REMOVE A LISTING OF WHO SHALL SERVE, THE TERM OF SERVICE AND THE FILLING OF VACANCIES ON THE COUNCIL AND TO PROVIDE FOR HOW THE MEMBERS OF THE COUNCIL SHALL BE DETERMINED; AMENDING SECTION 39-3331, IDAHO CODE, TO REVISE THE POWERS AND DUTIES OF THE RESIDENTIAL CARE OR ASSISTED LIVING ADVISORY COUNCIL; AMENDING SECTION 39-3332, IDAHO CODE, TO PROVIDE FOR AN ADDITIONAL DEPARTMENT OF HEALTH AND WELFARE DUTY; AND AMENDING SECTION 39-3511, IDAHO CODE, TO REVISE THE NUMBER OF MEMBERS OF THE IDAHO CERTIFIED FAMILY HOMES ADVISORY COUNCIL, TO REMOVE PROVISIONS ON WHO SHALL SERVE, TERM OF SERVICE AND FILLING OF VACANCIES ON THE COUNCIL AND TO PROVIDE FOR HOW THE MEMBERS OF THE COUNCIL SHALL BE DETERMINED.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-3330, Idaho Code, be, and the same is hereby amended to read as follows:

39-3330. ADVISORY COUNCIL. ~~(1)~~ The department shall establish a state level advisory council consisting of twenty-two (22) members appointed by the organizations and/or agencies represented on the council. The chairman of the council shall be elected from the membership. The members of the council shall be: determined by the bylaws of the council

~~(a) The director or his designee.~~

~~(b) The state ombudsman for the elderly or his designee.~~

~~(c) The director of the state protection and advocacy system or his designee.~~

~~(d) The director of the state developmental disabilities council or his designee.~~

~~(e) The director of the Idaho health care association or his designee.~~

~~(f) An advocate for citizens with mental illness in the state.~~

~~(g) Five (5) administrators or licensees of residential care or assisted living facilities, one (1) of whom shall be the president of the state association representing the largest number of residential care or assisted living facilities in Idaho, two (2) of whom shall be designees representing such associations, and two (2) at-large designees appointed by the department. The administrators or licensees shall be selected so as to represent residential care or assisted living facilities providing care to the elderly, individuals with mental illness, and individuals with developmental disabilities, respectively.~~

~~(h) Four (4) certified family home providers.~~

1 ~~(i) Six (6) residents, three (3) of whom reside in residential care or~~
 2 ~~assisted living facilities and three (3) of whom reside in certified~~
 3 ~~family homes. A resident may be represented by his family member.~~
 4 ~~(j) The local representative of the American association of retired~~
 5 ~~persons (AARP).~~
 6 ~~(2) Members who are not state agency representatives shall serve three~~
 7 ~~(3) year terms. A vacancy shall be filled for the remainder of the unexpired~~
 8 ~~term from the same class of persons represented by the outgoing member.~~

9 SECTION 2. That Section 39-3331, Idaho Code, be, and the same is hereby
 10 amended to read as follows:

11 39-3331. POWERS AND DUTIES OF THE ADVISORY COUNCIL. The residential
 12 care or assisted living advisory council shall have the following powers and
 13 duties:

14 (1) To make policy recommendations regarding the coordination of li-
 15 censing and enforcement standards in residential care or assisted living fa-
 16 cilities and the provision of services to residents of residential care or
 17 assisted living facilities.

18 (2) To advise the agency during development and revision of rules.

19 (3) To review and comment upon any proposed rules pertaining to resi-
 20 dential care or assisted living.

21 (4) To submit an annual report to the legislature stating opinions and
 22 recommendations which would further the state's capability in addressing
 23 residential care or assisted living facility issues.

24 SECTION 3. That Section 39-3332, Idaho Code, be, and the same is hereby
 25 amended to read as follows:

26 39-3332. MEETINGS. The residential care or assisted living advisory
 27 council shall meet as necessary but not less than four (4) times a year.
 28 Meetings of the council shall be open to the public. The department shall
 29 provide:

30 (1) Staff necessary to assist the council in performing its duties.

31 (2) Space for meetings of the council.

32 (3) Accommodations for alternative meeting formats.

33 SECTION 4. That Section 39-3511, Idaho Code, be, and the same is hereby
 34 amended to read as follows:

35 39-3511. ADVISORY COUNCIL. ~~(1)~~ The department shall establish a state
 36 level advisory council consisting of twenty-two (22) members appointed by
 37 the organizations and/or agencies represented on the council. The chairman
 38 of the council shall be elected from the membership. The members of the coun-
 39 cil shall be determined by the bylaws of the council

40 ~~(a) The director or his designee;~~

41 ~~(b) The state ombudsman for the elderly or his designee;~~

42 ~~(c) The director of the state protection and advocacy system or his de-~~
 43 ~~signee;~~

44 ~~(d) The director of the state developmental disabilities council or his~~
 45 ~~designee;~~

1 ~~(e) The director of the Idaho health care association or his designee;~~
2 ~~(f) An advocate for citizens with mental illness in the state;~~
3 ~~(g) Four (4) certified family home providers;~~
4 ~~(h) Five (5) administrators or licensees of residential care or as-~~
5 ~~sisted living facilities, one (1) of whom shall be the president of the~~
6 ~~state association representing the largest number of residential care~~
7 ~~or assisted living facilities in Idaho, two (2) of whom shall be de-~~
8 ~~signees representing such associations, and two (2) at-large designees~~
9 ~~appointed by the department. The administrators or licensees shall be~~
10 ~~selected so as to represent residential care or assisted living facil-~~
11 ~~ities providing care to the elderly, individuals with mental illness,~~
12 ~~and individuals with developmental disabilities, respectively;~~
13 ~~(i) Six (6) residents, three (3) of whom reside in residential care or~~
14 ~~assisted living facilities and three (3) of whom reside in certified~~
15 ~~family homes. A resident may be represented by his family member; and~~
16 ~~(j) The local representative of the American association of retired~~
17 ~~persons (AARP).~~
18 ~~(2) Members who are not state agency representatives shall serve three~~
19 ~~(3) year terms. A vacancy shall be filled for the remainder of the unexpired~~
20 ~~term from the same class of persons represented by the outgoing member.~~